

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GARY KOOPMANN, TIMOTHY KIDD
and VICTOR PIRNIK, Individually and
on Behalf of All Others Similarly
Situating,

PETITIONERS,

v.

ROBERT BOSCH, LLC

RESPONDENT.

No.: _____

**PETITION TO ENFORCE
SUBPOENA SERVED ON
RESPONDENT ROBERT
BOSCH, LLC**

Petitioners Gary Koopmann, Timothy Kidd and Victor Pirnik (collectively “Petitioners” or “Plaintiffs”) respectfully seek an Order compelling non-party Robert Bosch, LLC (“Bosch”) to comply with the subpoena (the “Subpoena”) that Petitioners served on Bosch on January 9, 2018, and aver as follows:

1. The Subpoena was issued in connection with a class action lawsuit pending in the Southern District of New York: *Pirnik, et al. v. Fiat Chrysler Automobiles, N.V., et al.*, Civil Action No. 15-cv-07199 (Furman, J.). As set forth in the Complaint, Plaintiffs brought the underlying suit against Fiat Chrysler Automobiles N.V. (“FCA”), FCA US LLC (“FCA US”), (collectively, “FCA” or “the Company”), and defendants Sergio Marchionne (“Marchionne”) Scott

Kunselman (“Kunselman”), Michael Dahl (“Dahl”), Steve Mazure (“Mazure”) and Robert E. Lee (“Lee”), (collectively, the “Individual Defendants” and with FCA, “Defendants”) alleging claims for violation of the Federal Securities Laws based upon statements Defendants made concerning their compliance with emissions regulations. Plaintiffs allege that certain vehicles manufactured by Defendants (the “Subject Vehicles”) contain illegal and undisclosed engine software and hardware that constitute “defeat devices” which were placed in the vehicles’ electronic diesel control (“EDC”) in order to evade emissions regulations by operating differently under vehicle testing conditions than on-road driving conditions.

2. Bosch tested, manufactured and sold the EDC system used in the vehicles manufactured by FCA and worked with FCA to create a unique set of specifications and software code to manage the Subject Vehicles’ engine operation. The Complaint alleges that Bosch and FCA worked together to surreptitiously evade emissions regulations. Bosch is a Defendant in a Multidistrict Litigation pending before Judge Chen in the Northern District of California (*In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Action*, 3:17-md-02777-EMC, (the “MDL”)) in which FCA is also a Defendant that involves consumer claims alleging that consumers would not have purchased the Subject Vehicles had they known they contained emissions-cheating “defeat

devices.” Like Petitioners’ Complaint the MDL Complaint alleges that certain of FCA’s vehicles contained defeat devices and that Bosch and FCA worked together to surreptitiously evade emissions regulations by installing the defeat devices.

3. On January 9, 2018 Petitioners served Bosch with the Subpoena, seeking the production of various categories of documents. On January 17, 2018 Bosch served objections and responses, objecting entirely to each of the document requests contained in the Subpoena. Petitioners met and conferred with Bosch by phone on January 24, 2018 and subsequently issued a vastly narrowed scope of requests (reducing the number of requests from 13 to only 3) by letter dated February 1, 2018.

4. On February 7, 2018, Petitioners met and conferred with Bosch by phone to discuss the requests, as narrowed. On February 16, 2018 Bosch sent Petitioners’ a letter setting forth their position and stating that they would agree only to produce “certain contractual documents” between Bosch and Chrysler Group LLC.

5. On March 6, 2018 Petitioners notified Bosch that they intended to file a motion to enforce the Subpoena given Bosch’s refusal to produce documents.

6. For the reasons stated in this Petition and more fully discussed in the accompanying Petitioners’ Memorandum of Law in Support of Petition to Enforce Subpoena and supporting documents, Petitioners respectfully request that the

Petition be granted and the Bosch be ordered to produce documents demanded in the Subpoena.

WHEREFORE, Petitioners respectfully request entry of and Order compelling Bosch to produce the documents demanded in the Subpoena.

April 5, 2018

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